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Atty. Docket No. 62900-DIV (71589)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth P. Reever

Application No.: 10/736,493

Confirmation No.: 3812

Filed: December 15, 2003

Art Unit: 3738

For: DELIVERING AN AGENT TO A PATIENT'S
BODY

Examiner: J. G. Blanco

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBTAIN
A DOUBLE PATENTING REJECTION; 37 C.F.R. § 1.321(e)**

Sir:

I, Lisa Swiszczyk Hazzard, represent that I am an attorney of record for this patent application.

The assignee, Boston Scientific Scimed, Inc., owns the entire right, title and interest in U.S.S.N. 10/736,493 by virtue of an assignment recorded on October 4, 2004 at Reel/Frame 015846/0735 from Kenneth P. Reever to Scimed Life Systems, and by virtue of a change of name recorded on June 27, 2005 at Reel/Frame 016422/0437 from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. The assignee, Boston Scientific Scimed, Inc., also owns the entire right, title and interest in U.S. Patent 6,685,745, by an assignment recorded on July 11, 2001, Reel/Frame 011962/0721, from Kenneth P. Reever to Scimed Life Systems, Inc. Effective January 1, 2005, Scimed Life Systems changed its name to Boston Scientific Scimed, Inc., as evidenced by the recorded change of name at Reel/Frame 016422/0437.

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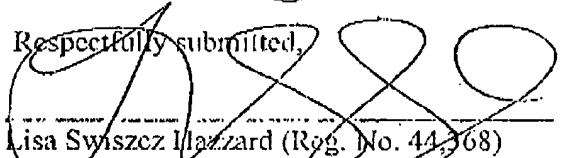
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The terminal part of the statutory term of any patent granted on U.S.S.N. 10/736,493 that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,685,745 forming the basis of the double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on U.S.S.N. 10/736,493 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,685,745. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on U.S.S.N. 10/736,493 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,685,745, in the event that U.S. Patent 6,685,745 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

For the required filing fee in accordance with 37 C.F.R. §1.321(b)(4) and 37 C.F.R. §1.20(d), please charge Deposit Account No. 04-1105. If additional money is required, please also charge Deposit Account No. 04-1105.

Date: February 14, 2007

Respectfully submitted,

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